

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

520 S. MICHIGAN AVENUE ASSOCIATES,)
LTD d/b/a THE CONGRESS PLAZA HOTEL)
& CONVENTION CENTER,)
)
)
Plaintiff,)
)
)
vs.) Case No. 10 CV 1395
)
UNITE HERE National Retirement Fund,) Judge Kennelly
)
)
Defendant.)

PLAINTIFF'S MOTION FOR EXTENSION OF TIME

NOW COMES the Plaintiff, 520 S. Michigan Avenue Associates, Ltd. d/b/a The Congress Plaza Hotel & Convention Center (“Congress Plaza Hotel”), and respectfully requests a ten day extension of time to file its reply to its motion for summary judgement and response to Defendant’s cross-motion for summary judgement. In support thereof, the Congress Plaza Hotel states as follows:

1. This matter involves the court’s review of an arbitrator’s decision to overturn a pension fund’s partial withdrawal liability assessment against the hotel in the amount of approximately 2.5 million dollars during a protracted labor dispute.
2. Previously, this court set a briefing schedule in the matter which provided Plaintiff two weeks within which to file a reply to its motion for summary judgment seeking to confirm the award and its response to the fund’s cross motion for summary judgment seeking to vacate the award (previously filed on June 4, 2010).
3. The fund’s memorandum in support of its motion for summary judgement contains an additional thirty-nine separate statements of fact that the hotel must admit or deny based on

voluminous evidentiary materials. In addition to raising the arguments raised during arbitration, the fund's fifteen page memorandum filed in support of its motion for summary judgment raises new and novel issues regarding the proper standard of review to be used by this court in this matter.

4. The undersigned attorney is the primary attorney responsible for initially drafting the hotel's responding memorandum. Because of the undersigned's involvement in several matters the work week of June 7, 2010 including his involvement in preparing for a soon be filed lawsuit seeking injunctive relief in the State of Texas, his preparation for and attending argument on a motion for summary judgement, and reviewing and commenting via teleconferences on an environmental consultant's Site Characterization Report submitted that same week to the EPA relating to a property the EPA has determined to be an imminent and substantial endangerment to the environment, this extension of time is being requested.

5. Because the undersigned will also be involved in the preparation of a pretrial order due June 30, 2010 and is tentatively scheduled to be out of town June 24 and 25, 2010, counsel requests that this court grant the hotel an additional ten day extension of time within which to file Plaintiff's reply and responsive briefs to the pending cross-motions for summary judgment.

6. No party will be prejudiced by the requested extension. Under the revised schedule, Plaintiff's responsive brief would be due June 28, 2010 and Defendant's reply would become due July 12, 2010.

WHEREFORE the Congress Plaza Hotel respectfully requests that this court extend the due dates for the parties outstanding briefs by ten days and for such further relief as the court deems equitable and just.

Respectfully submitted,
Congress Plaza Hotel & Convention Center

By: /s/ Bradley Wartman
One of its attorneys.

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